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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (NC)

CISCO'S PROPOSED VERDICT FORM

Judge: Hon. Beth Labson Freeman

YOUR ANSWERS MUST BE UNANIMOUS.

CISCO'S CLAIM FOR COPYRIGHT INFRINGEMENT

1: Has Cisco proven by a preponderance of the evidence that Arista infringed any of Cisco's copyrights?

YES (Infringed) NO (Not infringed)

IF YOU ANSWERED "YES" TO QUESTION 1, PLEASE ANSWER QUESTION 2. IF YOU ANSWERED "NO" TO QUESTION 1, PLEASE GO TO QUESTION 6.

2: Has Arista proven by a preponderance of the evidence that Arista's use of Cisco's copyrighted works was "fair use"?

YES (Fair use) NO (Not fair use)

IF YOU ANSWERED "YES" TO QUESTION 2, PLEASE GO TO QUESTION 6. IF YOU ANSWERED "NO" TO QUESTION 2, PLEASE ANSWER QUESTIONS 3(a) and 3(b).

3(b): Has Cisco proven by a preponderance of the evidence that it had lost profits that were caused by the infringement?

YES NO

1 3(b): Has Cisco proven by a preponderance of the evidence that Arista earned profits caused by
2 the infringement?

3 YES

NO

4 _____

5
6 **IF YOU ANSWERED “YES” TO ANY PART OF QUESTION 3, PLEASE ANSWER**
7 **QUESTION 4. IF YOU ANSWERED “NO” TO BOTH PARTS OF QUESTION 3, PLEASE**
8 **GO TO QUESTION 6.**

9 4: What amount of money do you find should be awarded to Cisco for Arista’s copyright
10 infringement?

11 Cisco’s lost profits:

12 Arista’s (Infringer’s) profits:

13
14
15 5. Has Cisco proven that Arista’s copyright infringement was willful?

16 YES (Willful)

NO (Not willful)

17 _____

18
19 **QUESTION 6 IS ON THE NEXT PAGE.**

CISCO'S CLAIM FOR PATENT INFRINGEMENT

6. Has Cisco proven by a preponderance of the evidence that Arista has infringed any of the following claims of the '526 patent?

	YES (Infringed)	NO (Not infringed)
A. Claim 1	_____	_____
B. Claim 6	_____	_____
C. Claim 10	_____	_____
D. Claim 11	_____	_____
E. Claim 13	_____	_____
F. Claim 14	_____	_____
G. Claim 15	_____	_____
H. Claim 16	_____	_____
I. Claim 19	_____	_____
J. Claim 23	_____	_____

QUESTION 7 IS ON THE NEXT PAGE.

7. Has Arista proven by clear and convincing evidence that any of the following claims of the '526 patent are invalid?

	YES (Invalid)	NO (Not invalid)
A. Claim 1	_____	_____
B. Claim 6	_____	_____
C. Claim 10	_____	_____
D. Claim 11	_____	_____
E. Claim 13	_____	_____
F. Claim 14	_____	_____
G. Claim 15	_____	_____
H. Claim 16	_____	_____
I. Claim 19	_____	_____
J. Claim 23	_____	_____

IF—FOR ANY CLAIM OF THE '526 PATENT—YOU ANSWERED “YES” FOR INFRINGEMENT (QUESTION 6) AND ANSWERED “NO” FOR INVALIDITY (QUESTION 7) FOR THE SAME CLAIM, THEN PROCEED TO QUESTION 8. OTHERWISE—IF THERE IS NO CLAIM OF THE '526 PATENT THAT YOU FOUND INFRINGED AND NOT INVALID—THEN SKIP TO THE END OF THIS VERDICT FORM AND SIGN AND DATE IT.

8. What amount of damages is Cisco entitled to recover as a result of Arista's patent infringement?

\$_____

QUESTION 9 IS ON THE NEXT PAGE.

1 9. Has Cisco proven that Arista’s patent infringement was willful?

2 YES (Willful) NO (Not willful)

3 _____

4

5 **PLEASE DATE AND SIGN BELOW.**

6

7 Dated: _____

8 **FOREPERSON**

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1 Dated: September 27, 2016

Respectfully submitted,

2 /s/ John M. Neukom

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